

ATTORNEY REGULATION ADVISORY COMMITTEE
APPROVED MINUTES

Monday, December 12 2011
9:30 a.m. to 12:00 p.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona
Conference Room 109

MEMBER ATTENDANCE		
PRESENT	TELEPHONICALLY PRESENT	ABSENT
Justice Michael D Ryan (retired)	Ronald R. Watson	Benny Click
Hon. William J. O'Neil		
Allan Bayham		
George Riemer		
J. Scott Rhodes		
Patricia Sallen		
Pamela Treadwell-Rubin		
James Drake, Jr.		
John Tuchi		
Emily Johnston		
Amy Rehm for Maret Vessella		

OTHER ATTENDEES		
AOC STAFF	GUESTS - PUBLIC	
Kathy Curry	Mark Harrison	
Emily Holliday	Karen Clark	
Afton Foutz		

Business Items and Potential Action Items

1	<u>Call to Order</u> Call to order by Justice Michael D Ryan (retired) at 9:40 a.m.	Justice Michael D. Ryan (Retired), Chair
2	<u>Review and Approval of October 2011 ARC minutes</u> Motion: Approve the October 7, 2011 ARC minutes First: Allan Bayham Second: Emily Johnston Vote: Passed 12-0 Benny Click was absent and did not vote.	Justice Michael D. Ryan (Retired), Chair
3	<u>Update by Rules Subcommittee</u> Committee agreed they would like to accept all comments. Items discussed at length included: a. Alternate Hearing Panel Members. Committee discussed the different wording options they have available to incorporate into the rules. Motion: Move to adopt Rule 52 (d) and the first option (e). First: Hon. William J. O’Neil Second: J. Scott Rhodes Vote: Passed 12-0 Benny Click was absent and did not vote. b. Rule 60(b)(2) discussion about giving the respondent 10 days instead of 5 days to respond. Motion: Move to amend Rule 60 (b) to allow respondent 10 days to file any objections to the statements of costs and expenses. First: Hon. William J. O’Neil Second: Allan Bayham Vote: Passed 12-0 Benny Click was absent and did not vote.	Justice Michael D. Ryan (Retired), Chair
4	<u>Update by Costs Subcommittee</u> Committee reviewed the Cost Report provided for them.	Pamela Treadwell-Rubin

	<p>Committee discussion (after Mark Harrison's comments) regarding Rule 60 Comment regarding extreme financial hardship and the sentences listed below.</p> <p>Motion: Move to remove from Rule 60 Comment: "It is presumed that many lawyers who find themselves in the discipline process will be subject to some degree of financial hardship. However, "extreme financial hardship" is not intended to encompass the financial hardship of the proceeding or imposed sanction but rather is intended to refer to circumstances that occurred independently of the misconduct." First: J. Scott Rhodes Second: Pamela Treadwell-Rubin Vote: Failed 4-7 Benny Click was absent and did not vote. Hon. William J. O'Neil did not vote.</p> <p>Move to approve report of the subcommittee and authorize staff to make necessary changes to submit to the Court. First: J. Scott Rhodes Second: Emily Johnston Vote: Pass 12-0 Benny Click was absent and did not vote.</p>	
5	<p><u>Update by Admissions Subcommittee</u></p> <p>Items discussed at length included:</p> <ul style="list-style-type: none"> a. Proposed Changes James Drake, Jr., John Tuchi, Committee on Character and Fitness and Committee on Examinations will file the proposed rules to the Supreme Court and the ARC Committee will comment. b. Rule 33(a) regarding the selection process for the two committees and that the State Bar will forward all applications for recruitment of members and the Chair will rank the applications and return to the State Bar for recommendation of names for appointment. 	<p>John Tuchi</p> <p>James Drake, Jr.</p>
6	<p><u>Comments and Next Steps</u></p> <p>Committee needs to submit Cost Report before the end of 2011.</p> <p>Rules Petition must be submitted before January 10, 2012 with</p>	

	<p>approved changes.</p> <p>John Tuchi, James Drake, Jr., Committee on Character and Fitness and the Committee on Examinations can submit a petition by January 10, 2012 if they wish and the ARC Committee will comment.</p> <p>Schedule meetings for 2012</p> <p>Justice Michael D. Ryan noted that Amy Rehm is proxy for Maret Vasella with authorization.</p>	
7	<p><u>Call to Public</u></p> <p>Mark Harrison (taken out of turn) commented on costs subcommittee. He spoke about removing two sentences about Rule 60 comment about financial hardships.</p>	
8	<p><u>Adjournment</u></p> <p>Justice Ryan adjourns the meeting at 12:05 p.m.</p>	

The Next Meeting of the
Attorney Regulation Advisory Committee
Will be:

Arizona State Courts Building
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Phoenix, AZ 85007
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